

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPEN TEXT S.A.,
Plaintiff,
v.
BOX, INC., et al.,
Defendants.

Case No. 13-cv-04910-JD

**ORDER RE ADMINISTRATIVE
MOTIONS TO SEAL**Re: Dkt. Nos. 395, 408, 429, 483, 506, 517,
519, 545, 587

This order resolves the pending administrative motions to file documents under seal in this case. One of the motions, filed at Dkt. No. 516, is moot, since it has been replaced by the motion at Dkt. No. 519.

I. GOVERNING STANDARD

In our circuit, in evaluating a motion to seal, two different standards apply depending on whether the request is being made in connection with a dispositive motion or a non-dispositive motion.

For dispositive motions, the historic, “strong presumption of access to judicial records” fully applies, and a party seeking sealing must establish “compelling reasons” to overcome that presumption. *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir. 2006) (quoting *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003)). This standard presents a “high threshold,” and “a ‘good cause’ showing will not, without more, satisfy” it. *Id.* at 1180 (citations omitted). When ordering sealing in this context, the district court must also “articulate the rationale underlying its decision to seal.” *Apple Inc. v. Psystar Corp.*, 658 F.3d 1150, 1162 (9th Cir. 2011).

The non-dispositive motion context is different. There, “the usual presumption of the public’s right of access is rebutted,” the “public has less of a need for access to court records attached only to non-dispositive motions,” and the “public policies that support the right of

access to dispositive motions, and related materials, do not apply with equal force to non-dispositive materials.” *Kamakana*, 447 F.3d at 1179-80 (citations omitted). Therefore, in that context, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Id.* at 1180 (quoting *Foltz*, 331 F.3d at 1138). In either case, however, “[a]n unsupported assertion of ‘unfair advantage’ to competitors without explaining ‘how a competitor would use th[e] information to obtain an unfair advantage’ is insufficient.” *Hodges v. Apple, Inc.*, No. 13-cv-01128-WHO, 2013 WL 6070408, at *2 (N.D. Cal. Nov. 18, 2013) (quoting *Dunbar v. Google, Inc.*, No. 5:12-cv-003305-LHK, 2012 WL 6202719, at *4-5 (N.D. Cal. Nov. 18, 2013)).

In our district, in addition to meeting the applicable standard under *Kamakana*, all parties requesting sealing must also comply with Civil Local Rule 79-5, including that rule’s requirement that the request must “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law,” *i.e.*, is “sealable.” Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. DISCUSSION

Each of the pending motions is associated with non-dispositive motions or objections, so the “good cause” standard applies.

A. Dkt. No. 395

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
Documents relating to Plaintiff’s Motion in <i>Limine</i> No. 5			
1	Defendants’ Opposition to Open Text’s Motion in <i>Limine</i> No. 5 – Portions of pages and lines 1:2-3, 7-9, 13, and 15- 28; 2:1-4, 6, 8-9, 11, and 15-16; 3:4; 4:6- 7; 5:10-11	Descriptions of Open Text’s corporate structure, IP ownership, and financial arrangements between the Open Text entities. Guske Decl. ¶ 3	Granted.
2	Exhibit A to the Defendant’s Opposition to Open Text’s Motion in <i>Limine</i> No. 5 – Portions of pages 1 and 2	Descriptions of Open Text’s corporate structure, IP ownership, and financial	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
		arrangements between the Open Text entities. Guske Decl. ¶ 4	
3	Exhibit B to Defendant's Opposition to Open Text's Motion in Limine No. 5 – entire document	Descriptions of Open Text's corporate structure, IP ownership, and financial arrangements between the Open Text entities. Guske Decl. ¶ 4	Granted.
4	Exhibit C to Defendant's Opposition to Open Text's Motion in Limine No. 5 – entire document	Descriptions of Open Text's confidential business operations. Guske Decl. ¶ 5	Granted.
5	Exhibit D to Defendant's Opposition to Open Text's Motion in Limine No. 5 – entire document	Descriptions of Open Text's corporate structure, IP ownership, and tax information. Guske Decl. ¶ 6	Granted.
6	Exhibit E to Defendant's Opposition to Open Text's Motion in Limine No. 5 – portions of pages 1, 3-11	Confidential agreement containing Open Text's business information. Guske Decl. ¶ 7	Granted.
Documents relating to Plaintiff's Motion in <i>Limine</i> No. 7			
7	Sections of Plaintiff's Motion in Limine No. 7 Regarding Nuisance Value Licenses and Related Patents – portions of page 2	Confidential and sensitive pricing and payment terms of patent license agreements. McCauley Decl. ¶ 4.	Granted.
8	Exhibit 1 to the Declaration of Sarah Guske in support thereof – Excerpts from the Expert Rebuttal Report of Dr. Gregory K. Leonard – portions of pages 141-42 (¶¶ 249-50) and page 143 (¶ 253)	Confidential and sensitive pricing and payment terms of patent license agreements. McCauley Decl. ¶ 5	Granted.
9	Exhibit 4 to the Declaration of Sarah Guske in support thereof – Patent License Agreement – portions of page 3 (¶ 4.1)	Confidential and sensitive pricing and payment terms of patent license agreement. McCauley Decl. ¶ 6.	Granted.
10	Exhibit 5 to the Declaration of Sarah Guske in support thereof – Patent License Agreement – portions of page 7 (¶ 4.1)	Confidential and sensitive pricing and payment terms of settlement agreement. McCauley Decl. ¶ 7.	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
11	Exhibit 6 to the Declaration of Sarah Guske in support thereof – Patent License Agreement – portions of page 3 (¶ 3.1)	Confidential and sensitive pricing and payment terms of patent license agreement. McCauley Decl. ¶ 8.	Granted.
12	Exhibit 7 to the Declaration of Sarah Guske in support thereof – Patent License Agreement – portions of page 5 (¶ 5.1)	Confidential and sensitive pricing and payment terms of patent license agreement. McCauley Decl. ¶ 9	Granted.

B. Dkt. No. 408

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
Documents relating to Defendants' Motion <i>in Limine</i> No. 1			
1	Exhibit A to the Motion, Deposition Transcript of Krista Holt – pages and lines 263:9-14	Open Text's business reasons for a settlement agreement. Guske Decl. ¶ 3	Granted.
2	Exhibit 1 to Plaintiff's Opposition, Excerpts of the Expert Report of Krista Holt – Portions of page 64 and 91	Confidential business decisions of Open Text and price term of an agreement. Guske Decl. ¶ 4	Granted.
3	Exhibit 6 to Plaintiff's Opposition, Excerpts of the Expert Report of Nathaniel Polish pages 65-66 (¶¶ 171-73), 114-115 (¶¶ 258-60), 157 (¶ 336), 279-80 (¶¶ 572-73), 338 (¶673)	Highly confidential Box source code. McCauley Decl. ¶ 3	Granted.
Documents relating to Defendants' Motion <i>in Limine</i> No. 5			
4	Exhibit A to the Motion, Excerpts of the Expert Report of Krista Holt – Portions of page 91	Price term of an agreement. Guske Decl. ¶ 5	Granted.
5	Exhibit 1 to Plaintiff's Opposition, Excerpts of the Expert Report of Krista Holt – Portions of pages 61-62, 64, 72	Price terms of an agreement. Guske Decl. ¶ 6	Granted.
6	Exhibit 4 to Plaintiff's Opposition, internal email thread between Box employees – portions of pages 1 through 5.	Box's internal confidential strategic discussions and decision making process related to how Box decides to price its products.	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
		McCauley Decl. ¶ 4	
7	Exhibit 6 to Plaintiff's Opposition, Excerpts of the Expert Report of Nathaniel Polish – Portions of paragraphs 187, 583-86	¶ 187: Open Text source code. Guske Decl. ¶ 7. ¶¶ 583-86: Price terms of agreements. Guske Decl. ¶ 6	Granted.
8	Exhibit 7 to Plaintiff's Opposition, Excerpts of the Expert Report of Ketan Mayer-Patel – Portions of paragraphs 495-96	Description of Open Text's use of particular technology and decision-making process in choosing to use it. Guske Decl. ¶ 8.	Granted.
Documents relating to Defendants' Motion <i>in Limine</i> No. 6			
9	Defendants' Motion <i>in Limine</i> No. 6 – Portions of pages and lines 1:5, 8-9, 14, 16-28; and 2:8-9, 13, 23	Information reflecting the value of the patents-in-suit. Guske Decl. ¶ 9	Granted.
10	Exhibit A to the Motion, Excerpts of the Expert Report of Krista Holt – Portions of pages 75-76	Price terms of an agreement. Guske Decl. ¶ 10	Granted.
11	Exhibit B to the Motion, Excerpts of Deposition Transcript of Russel Stuebing – Pages and lines 106:9-107:10; 108:15-25; 109:2	Price terms of an acquisition agreement. Guske Decl. ¶ 11	Granted.
12	Exhibit C to the Motion, Excerpts of Deposition Transcript of Paul Loomis – Pages and lines 26:21-27:1	Information reflecting the value of the patents-in-suit. Guske Decl. ¶ 9	Granted.
13	Exhibit 1 to Plaintiff's Opposition, Excerpts of the Expert Report of Krista Holt – Portions of pages 75-76	Price terms of an agreement. Guske Decl. ¶ 10	Granted.
14	Exhibit 2 to Plaintiff's Opposition, Excerpts of the Expert Report of Gregory K. Leonard – Portions of paragraphs 108-113,	Price terms of an agreement. Guske Decl. ¶ 10	Granted.
Documents relating to Defendants' Motion <i>in Limine</i> No. 7			
15	Defendants' Motion <i>in Limine</i> No. 7 – Portions of pages and lines 1:25-26; 3:15-16	Confidential Open Text business information reflecting the value of the patents-in-suit. Guske Decl. ¶ 12	Granted.
16	Exhibit A to the Motion, Excerpts of the Expert Report of Krista Holt	Price terms of an agreement. Guske Decl.	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
	– Portions of pages 51-52	¶ 13	
17	Exhibit C to the Motion, Excerpts of Deposition Transcript of Michael Cannata – Entire document	Confidential Open Text business information reflecting the value of the patents-in-suit. Guske Decl. ¶ 12	Granted.
18	Exhibit H to the Motion, Excerpts of Deposition Transcript of Russel Stuebing – Portions of pages and lines 22:21-25	Confidential Open Text business information reflecting the value of the patents-in-suit. Guske Decl. ¶ 12	Granted.
19	Exhibit N to the Motion, Excerpts of Deposition Transcript of Joseph Scarry – Portions of pages and lines 63:12-13; 64:7-10	Confidential Open Text business information reflecting the value of the patents-in-suit. Guske Decl. ¶ 12	Granted.
20	Plaintiff's Opposition to Defendants' Motion <i>in Limine</i> No. 7 – Portions of pages and lines 1:18-19	Confidential Open Text business information reflecting the value of the patents-in-suit. Guske Decl. ¶ 12	Granted.
21	Exhibit 1 to Plaintiff's Opposition, Excerpts of Deposition Transcript of Michael Cannata – Portions of pages and lines 127:2-4, 6-7, 11-13, 16, 24-25; 182:7-21	Confidential Open Text business information reflecting the value of the patents-in-suit. Guske Decl. ¶ 12	Granted.
22	Exhibit 2 to Plaintiff's Opposition, Excerpts of Deposition Transcript of Joseph Scarry – Portions of pages and lines 63:12-13; 64:7-10	Confidential Open Text business information reflecting the value of the patents-in-suit. Guske Decl. ¶ 12	Granted.
23	Exhibit 4 to Plaintiff's Opposition, Excerpts of the Expert Report of Krista Holt – Portions of page 51	Price terms of an agreement. Guske Decl. ¶ 13	Granted.
Documents relating to Defendants' Motion <i>in Limine</i> No. 10			
24	Exhibit A to the Motion, Excerpts of the Expert Report of Krista Holt – Portions of pages 49, 56-57	P. 49: Price terms of an agreement. Guske Decl. ¶ 14. P. 56-57: Information about Open Text customer revenue and retention rates. Guske Decl. ¶ 15	Granted.
25	Exhibit 1 to Plaintiff's Opposition, internal email thread between Box employees – portions of pages 1 through 5.	Box's internal confidential strategic discussions and decision making process related	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
		to how Box decides to price its products. McCauley Decl. ¶ 5	
26	Exhibit 4 to Plaintiff's Opposition, Excerpts of the Expert Report of Krista Holt – Portions of pages 56-57	Information about Open Text customer revenue and retention rates. Guske Decl. ¶ 15	Granted.

A. Dkt. No. 429

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
Documents relating to Dkt. 344			
1	Defendants' Opposition To Plaintiff's Motion for Summary Judgment That Certain Prior Art Systems Are Not Prior Art: – Page 7, lines 3-5 – Page 15, lines 4-7	Description of Open Text's source code operation, use of particular technology and decision-making process in choosing to use it. Guske Decl. ¶ 3.	Granted.
2	Exhibit 19 to the accompanying Declaration of James A. Daire in support thereof – entire document	Description of Open Text's source code operation, use of particular technology and decision-making process in choosing to use it. Guske Decl. ¶ 4.	Granted.
Documents relating to Dkt. 346, 362 and 363			
3	Defendants' Consolidated Opposition to Daubert Motions –Page 4 lines 1-2; Page 16 line 11.	Payment information from a license between Open Text and a third party. Guske Decl. ¶ 5.	Granted.
4	Exhibit A to the Mitchell Opp Decl. – Portions of pages 56-57, portions of page 63, line 2	Specific Open Text product pricing information. Guske Decl. ¶ 6. Specific patent license payment amounts. McCauley Decl. ¶ 5	Granted.
Documents relating to Dkt. 350 and 364			
5	Exhibit 2 – Excerpted copy of the	P. 9: Information	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
	Expert Report of Krista Holt – Pages 9, 34, 36, 56-57, 64, 76, 83, 91, as well as page 14, lines 21-22, page 30, the middle paragraph and page 63, lines 1-2	about Open Text customer revenue and retention rates. Guske Decl. ¶ 7. Pp. 34, 36, 56-57, 83: Open Text pricing information. Guske Decl. ¶ 8. P. 75, 76 and 91: Payment terms of agreements. Guske Decl. ¶¶ 10-11. P. 64, 86: Descriptions of Open Text’s decision-making process in designing its products. Guske Decl. ¶ 9. Customer specific account information. Specific patent license payment amounts. McCauley Decl. ¶ 6	
6	Exhibit 3 – Excerpted copy of the Expert Report of Gregory Leonard, Portions of paragraphs 47-48, 117, 119-131, 135, and 141-43; portions of page 87, last line of paragraph 145	¶¶ 47-48: Descriptions of Open Text’s corporate structure, IP ownership, and financial arrangements between the Open Text entities. Guske Decl. ¶ 12. ¶¶ 117, 119-131, 135, and 141-43: Payment terms of agreements. Guske Decl. ¶ 13 Specific patent license payment amounts. McCauley Decl. ¶ 7	Granted.
7	Exhibit 4 – Excerpted copy of the transcript for the deposition of Krista Holt – Pages and lines 137:11-15	Payment terms of agreements. Guske Decl. ¶¶ 10	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
8	Exhibit 8 – Box production document labeled as BOXEM_LEVIE_0000065-BOXEM_LEVIE_0000067, in its entirety	Box's internal confidential business strategy. McCauley Decl. ¶ 8	Granted.
Documents relating to Dkts. 352, 353 and 364			
9	Exhibit 7 – Excerpts from the Opening Expert Report of Prof. Ketan Mayer-Patel on Issues of Infringement – Pages 293, 123, 165, 195, 228, 258, 261, 283, 316, 319 and page 82, paragraph 194	Box source code. McCauley Decl. ¶ 9	Granted.
10	Exhibit 22 – Document bearing Bates number BOX0033341 – BOX0033367, in its entirety	Box's internal confidential business strategy, market research and decision making process. McCauley Decl. ¶ 10	Granted.
11	Exhibit 28 – Document bearing Bates numbers BOX0664694 – BOX0664708, in its entirety	Box's internal confidential business strategy and decision making process. McCauley Decl. ¶ 11	Granted.
12	Exhibit 29 – Document bearing Bates numbers BOX0027396 – BOX00273433, portions of comments on first and last line of page 25 and on page 29	Box's internal confidential business deals in development and customer specific rollout information. McCauley Decl. ¶ 12	Granted.
13	Exhibit 31 – Document bearing Bates numbers BOX0046302 – BOX0046307, in its entirety	Box's internal confidential business strategy and decision making process. McCauley Decl. ¶ 13	Granted.
14	Exhibit 47 – Excerpts from the Expert Report of Krista Holt – Pages 51-52	Payment terms from license agreements. Guske Decl. ¶ 14.	Granted.
15	Exhibit 52 – Document bearing Bates numbers BOX0026454 – BOX0026458, in its entirety	Box's internal confidential analysis of a direct competitor. McCauley Decl. ¶ 14	Granted.
16	Exhibit 54 – Document bearing Bates numbers BOX0026716 – BOX0026721, in its entirety	Box's internal confidential competitive analysis. McCauley Decl. ¶ 15	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
17	Exhibit 55 – Document bearing Bates number BOX_TP_TECHV000001, columns 1-3	Personal identifying information. McCauley Decl. ¶ 16	Granted.
18	Exhibit 72 & 87 (same document) – Document bearing Bates number BOX0521799, in its entirety	Confidential product analysis, customer contact information, and product survey information. McCauley Decl. ¶ 17	Granted.
19	Exhibit 73 – Excerpts of Document bearing Bates number BOX0521800, in its entirety	Confidential product analysis, sales information, and customer lists. McCauley Decl. ¶ 18	Granted.
20	Exhibit 74 – Document bearing Bates number BOX0521765, columns 3-5	Confidential internal account valuations, sales information, and customer lists. McCauley Decl. ¶ 19	Granted.
21	Exhibit 82 – Excerpts of Document bearing Bates number BOX0791120, page 1, columns 6-8, and page 2, portions of column 5, rows 3 and 9	Personal identifying information, analysis of product offerings and customer feedback. McCauley Decl. ¶ 20	Granted.
22	Exhibit 83 – Document bearing Bates numbers BOX0451293 – BOX0451321, in its entirety	Box's internal confidential competitive analysis. McCauley Decl. ¶ 21	Granted.
23	Exhibit 84 – Document bearing Bates numbers BOX0026428 – BOX0026432, in its entirety	Box's internal confidential competitive analysis. McCauley Decl. ¶ 22	Granted.
24	Exhibit 85 – Document bearing Bates numbers BOX0161563 – BOX0161592, in its entirety	Box's internal confidential competitive analysis. McCauley Decl. ¶ 23	Granted.
25	Exhibit 88 – Document bearing Bates numbers BOX0000536 – BOX0000549, in its entirety	Box's internal confidential competitive analysis. McCauley Decl. ¶ 24	Granted.
26	Exhibit 89 – Excerpts of Document bearing Bates number BOX0610400, in	Box's internal analysis of product	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
	its entirety	offerings and customer retention. McCauley Decl. ¶ 25	
27	Exhibit 96 – Document 83.1\Source Code\cs.core.oscript\2\pkg\LES_MODULES\srcmodules\core\WEBLL\webll_en_US.properties – entire document	Open Text source code. Guske Decl. ¶ 15.	Granted.
28	Exhibit 97 – 83.1\Source Code\les.core\3\pkg\LES_MODULES\html\lindex.html – entire document	Open Text source code. Guske Decl. ¶ 15.	Granted.
29	Exhibit 98 – excerpts from the deposition of Trevor Unruh, pages and lines 70:11, 12, and 25; 71:14-16	Payment terms from license agreement and negotiations for that agreement. Guske Decl. ¶ 16.	Granted.
30	Exhibit 109 – An excerpt from the rebuttal Expert Report of Gregory Leonard – Portions of pages 65-68	Payment terms from license agreement and negotiations for that agreement. Guske Decl. ¶ 16.	Granted.
Documents relating to Dkt. 354 and 364			
31	Declaration of Nathaniel Polish – Portions of paragraphs 172, 175 and 177 and 179	¶ 172: Contains Open Text source code. Guske Decl. ¶ 17. ¶¶ 174-77: Payment terms of agreements. Guske Decl. ¶ 18. ¶ 179: Information reflecting Open Text's licensing strategy. Guske Decl. ¶ 19.	Granted.
Documents relating to Dkt. 359			
32	Excerpt of Oct. 10, 2014 Deposition of Michael Cannata – Pages and lines 182:8-10 and 14-21	Information reflecting Open Text's licensing strategy. Guske Decl. ¶ 20.	Granted.
Documents relating to Dkt. 368			
33	Exhibit 6, pages and lines 17:24-25; 18:1-2, 18-20	Confidential internal information related to	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
		an internal market research group consisting of Box customers. McCauley Decl. ¶ 26	
Documents relating to Dkt. 370			
34	Plaintiff Open Text S.A.'s Reply in Support of its Motion to Exclude Certain Expert Opinions and Testimony of Srinivasan Jagannathan, page 1, portions of line 21, and page 3, portions of lines 7-10	Specific patent license payment amounts. McCauley Decl. ¶ 27	Granted.
Documents relating to Dkt. 378			
35	Defendants' Reply Brief in support of Its Motion to Exclude Expert Opinions and Testimony of Krista Holt – Page 2, portions of line 18 and footnote 2; Page 5, portions of lines 15, 16, 17	Payment terms of a license agreement and valuation of the patents-in-suit. Guske Decl. at ¶¶ 21-22.	Granted.

B. Dkt. No. 483

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
1	Ex. E - Nicholas Q. Carter Dep. Tr., Oct. 9, 2014; pages and lines 70:5-6; 72:5 Nicholas Q. Carter Dep. Tr., Oct. 9, 2014; pages and lines 152:15; 152:16; 152:19; 152:23; 152:24; 153:4; 153:24- 25; 154:5-6; 154:9-15; 154:19; 154:20; 154:22-24; 155:1; 155:3-6	Contains Open Text's confidential revenue numbers. Guske Decl. ¶ 3. Contains detailed, product specific secret information from internal reports about unreleased products and projects. Guske Decl. ¶ 4.	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
2	Ex. F. - Adam Howatson 30(b)(6) Dep. Tr., 34:17-18; 90:17 Adam Howatson 30(b)(6) Dep. Tr., 60:5; 60:7-13; 106:19-23; 158:21; 158:22, 158:25; 159:4- 5; 159:9-11; 159:13; 159:15-16 Adam Howatson 30(b)(6) Dep. Tr., 86:17-18; 88:14-15; 89:3; 89:11, 89:13; 89:19; 89:20; 89:22; 89:24; 90:3-4; 114:11 Adam Howatson 30(b)(6) Dep. Tr., 93:24; 94:3; 94:14; 95:9; 95:12; 96:4; 96:11 Adam Howatson 30(b)(6) Dep. Tr., 93:6-11; 94:8-12; 94:15- 19; 94:23-95:3; 95:8-12; 96:2- 12; 96:16-24; 164:12-19	Contains confidential Open Text revenue and pricing numbers. Guske Decl. ¶ 5. Contains detailed, product-specific secret information from internal reports about unreleased products and projects. Guske Decl. ¶ 6. Contains confidential pricing and revenue information used by Open Text and unknown to competitors. Guske Decl. ¶ 7. Pricing terms and rates found in an Open Text licensing agreement. Guske Decl. ¶ 8. Descriptions of Open Text's corporate structure, intellectual property ownership and the financial relationship between the Open Text entities. Guske Decl. ¶ 9.	Granted.
3	Ex. G - Trevor Unruh Dep. Tr. 23:5,7, and 8; 27:17; 27:20; 28:5; 42:11-13; 67:16, 67:18; 68:16, 70:11; 70:12; 70:25; 71:14; 71:15; 72:3	Specific pricing terms, rates, and payment information found in a negotiated licensing agreement. Guske Decl. ¶ 10.	Granted.
4	Ex. H - Michael Cannata Dep. Tr. 182:8-10; 182:14-21	Information on Open Text's early licensing efforts and their effect on the value of the Groupware patents. Guske Decl. ¶ 11.	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
5	Ex. I - Kyle O'Connor Dep. Tr. 19:10	Confidential pricing and revenue information used by Open Text and unknown to competitors. Guske Decl. ¶ 12.	Granted.
6	Ex. J - Cyril Miel Dep. Tr. 44:9-14; 46:19-47:1; 47:13- 48:4; 49:5-13; 49:23-50:1	Descriptions of Open Text's corporate structure, intellectual property ownership and the financial relationship between the Open Text entities. Guske Decl. ¶ 13.	Granted.
7	Ex. K - Russ Stuebing 30(b)(6) Dep. Tr. 52:15-25	Confidential Open Text equation for its analysis and evaluation of potential acquisitions. Guske ¶ 14.	Granted.
8	Ex. L - Martin Musierowicz Dep. Tr. (entire transcript)	Designated Highly Confidential—Attorneys Eyes' Only by non-party Alfresco	Denied. Alfresco did not file a responsive declaration explaining why the material is sealable.
9	Ex. M - Paul Holmes-Higgin 30(b)(6) Dep. Tr. (entire transcript)	Designated Highly Confidential—Attorneys Eyes' Only by non-party Alfresco.	Denied.
10	Ex. N - Paul Holmes Higgin 30(b)(1) Dep. Tr. (entire transcript)	Designated Highly Confidential—Attorneys Eyes' Only by non-party Alfresco	Denied.

C. Dkt. No. 506

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
1	Exhibit 1, Open Text's Initial Disclosures served on February 21, 2014 -- Pages 5-8	Home addresses of third parties. Armon Decl. ¶ 3.	Granted.
2	Exhibit 2, Open Text's Supplemental Initial Disclosures served on August 5, 2014 -- Pages 6-10	Home addresses of third parties. Armon Decl. ¶ 4.	Granted.

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
3	Exhibit 3, Open Text's Second Supplemental Initial Disclosures served on September 19, 2014 -- Pages 6-10 and 12	Home addresses of third parties. Armon Decl. ¶ 5.	Granted.
4	Exhibit 4, Open Text's Supplemental Objections and Responses to Defendant Box, Inc.'s Interrogatories Nos. 1, 3, 4(b), 5(a), 5(b), 6, 7, 8(a), 9, 10(a), 10(b), 12, 13, 14(a) served on September 24, 2014—pages and lines 10:7-11	Designated Highly Confidential—Attorneys Eyes' Only by non-party Alfresco. Alfresco has been notified per Civil L.R. 79-5.	Denied.
5	Exhibit 15, Open Text's Supplemental Objections and Responses to Defendant Box, Inc.'s Interrogatories Nos. 1, 3, 5(A), 6, 8(A), 8(B), 9, 10(A), 10(B), 11, 12, 13, 14(A)) served October 15, 2014 – Portions of pages and lines 23:5 and 75:21 and 23	Confidential revenue from specific license and maintenance agreements. Armon Decl. ¶ 6.	Granted.
6	Exhibit 21, expert report of Krista F. Holt, dated October 31, 2014— Portions of pages 9, 14, 30, 34, and 36	P. 9: Information about Open Text customer revenue and retention rates. Armon Decl. ¶ 7. Pp. 34, and 36: Open Text pricing information. Armon Decl. ¶ 8	Granted.

D. Dkt. No. 511

Tab No.	Portion of Document to Be Filed Under Seal	Reason for Sealing	Granted/Denied
4	TX0346 titled Price Proposal for Nimbus, at 2, 7, and 9-16	Confidential calculations and projections from internal documents and related to confidential Open Text algorithms. Guske Decl. ¶ 5. Detailed, product-specific company-confidential information from internal reports. Guske Decl. ¶ 5.	Granted.

Tab No.	Portion of Document to Be Filed Under Seal	Reason for Sealing	Granted/Denied
5	TX0347 titled Nimbus – Proposal Preview, at 21	Confidential revenue and usage projections from internal documents and related to confidential Open Text algorithms. Guske Decl. ¶ 3. Detailed, product-specific company-confidential information from internal reports. Guske Decl. ¶ 3.	Granted.
9	TX0490 titled Nimbus Technology and Architecture Overview, at 11 and 18	Confidential source code. Guske Decl. ¶ 4.	Granted.

E. Dkt. No. 519

Tab No.	Portion of Document Sealed	Reason for Sealing	Granted/Denied
Documents relating to Dkt. 344			
1	TX395, email regarding license terms, page 1	Payment terms of a license with a third party. See Guske Decl. ¶ 3	Granted.
2	TX322, email regarding license terms, pages 1-4	Payment terms of a license with a third party. See Guske Decl. ¶ 3	Granted.

F. Dkt. No. 545

Tab No.	Portion of Document to Be Sealed	Reason for Sealing	Granted/Denied
	Portions of TX0742, highlighted in section 4.1 (at BOX0037888) of the patent license settlement agreement between Box and IPMG, AG, attached as Exhibit 5 to the Joint Statements	Payment terms of a license with a third party. Gill Decl. ¶ 5	Granted.
	Portions of TX0743, highlighted in section 4.1 (at BOX0037900) of the patent license settlement agreement between Box and Titanide Ventures, LLC, attached as Exhibit 6 to the Joint	Payment terms of a license with a third party. Gill Decl. ¶ 6	Granted.

Tab No.	Portion of Document to Be Sealed	Reason for Sealing	Granted/Denied
	Statements		
	Portions of TX0744, highlighted in section 5.1 (at BOX0037925) of the patent license settlement agreement between Box and Data Speed Technology LLC, attached as Exhibit 7 to the Joint Statements	Payment terms of a license with a third party. Gill Decl. ¶ 7	Granted.
	Portions of TX0745, highlighted in section 3.1 (at BOX0037938) of the patent license settlement agreement between Box and Macrosolve, Inc., attached as Exhibit 8 to the Joint Statements	Payment terms of a license with a third party. Gill Decl. ¶ 8	Granted.

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Tab No.	Portion of Document to Be Sealed	Reason for Sealing	Granted/Denied
	Entirety of TX0336, Source Code for Box Edit for Windows	Details of Box source code. Gill Decl. ¶ 5	Granted.
	Entirety of TX0337, Source Code for Box Edit for Macintosh	Details of Box source code. Gill Decl. ¶ 6	Granted.
	Entirety of TX0337, Source Code for Box for Android	Details of Box source code. Gill Decl. ¶ 7	Granted.
	Portions of TX0340, highlighted in section 4.1 (at CARAH00078) and Exhibit B, Price List (at CARAH00089 to CARAH00090) of the Reseller Agreement between Box and Carahsoft	Pricing terms with Box's third party reseller. Gill Decl. ¶ 8	Granted.

III. CONCLUSION

To the extent an administrative motion to file under seal discussed in this order was denied with respect to a document, the parties should file an unredacted version of the document within 7 days of this order.

IT IS SO ORDERED.

Dated: August 20, 2015



JAMES DONATO
United States District Judge

United States District Court
Northern District of California